

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 21 1985

Returned to applicant for correction _____

Corrected application filed _____ Map filed OCT 21 1985

The applicant Battle Mountain Gold Company

Post Office Box 1383 of Houston
Street and No. or P.O. Box No. City or Town

Texas (77251-1383) hereby make application for permission to change the
State and Zip Code No.

Point of Diversion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under a portion of Permit No. 44401
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is P-1 Underground (Pit Dewater)
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.25 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point NE 1/4 NE 1/4 Section 21, T31N, R43E, MDM or at
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.
a point from which the SE corner of said Section 21 bears, S 05° 12' 22" E a
distance of 4,584.36 feet.

6. The existing permitted point of diversion is located within SW 1/4 SW 1/4 Section 8, T30N, R43E, MDM or
If point of diversion is not changed, do not answer.
at a point from which the SW corner of said Section 8 bears, S 36° 04' W a
distance of 50 feet.

7. Proposed place of use Sections 21, 22, 27, 28, 33 and 34, T31N, R43E, MDM and
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Sections 9 and 10, T30N, R43E, MDM.

8. Existing place of use Sections 21, 22, 27, 28, 33 and 34, T31N, R43E, MDM and
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
Sections 9 and 10, T30N, R43E, MDM.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Construct a sump to collect the water,
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
install pump, motor, standby pipe and pipeline to place of use.

12. Estimated cost of works \$25,000

13. Estimated time required to construct works One Year

14. Estimated time required to complete the application of water to beneficial use Five Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water developed pursuant to this application will be water developed in a mining operation. The mine pit will need to be dewatered to allow operations to continue. The total amount of water to be changed under 44401 is one hundred million gallons per annum. This is a combined total of this application and P-2, P-3 and P-4.

By s/ Richard W. Arden Agent
950 Industrial Way
Sparks, Nevada (89431)

Compared js/se js/se

Protested 1/9/86 by Louie Venturacci
Pro. wdr. 3/5/86

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 44401 is issued subject to the terms and conditions imposed in said Permit 44401 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 11876 (Certificate 3503), 36870, 44401, 44402, 48140, 49459, 49460, 49461 and 49462 shall not exceed 825.65 million gallons annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin. The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 cubic feet per second, but not to exceed 58.98 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 1987

Proof of completion of work shall be filed before December 12, 1987

Application of water to beneficial use shall be made on or before November 12, 1988

Proof of the application of water to beneficial use shall be filed on or before December 12, 1988

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed MAR 03 1988 IN TESTIMONY WHEREOF, I PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed FEB 01 1993 my office, this 29th day of October,

Cultural map filed _____

Certificate No. 14023 Issued MAR 01 1995 A.D. 1986

[Signature of Peter G. Morros]
State Engineer